OIPE JC54
NOV 06 2002
PATENT & TRADEMARK OFFICE

PATENT
2929-0155P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant:	Alex LOBOVSKY et al.	Conf.:	3438
Appl. No.:	10/090,223	Group:	1773
Filed:	March 4, 2002	Examiner:	UNASSIGNED

For: COMPOSITE MATERIAL COMPRISING ORIENTED CARBON NANOTUBES IN A CARBON MATRIX AND PROCESS FOR PREPARING SAME

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INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE OR CONCURRENTLY WITH A RULE 53(d) CPA APPLICATION OR WITH A RULE 1.114 RCE APPLICATION)

#4

Assistant Commissioner for Patents
Washington, DC 20231

November 6, 2002

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449(s), attached hereto.

II. COPIES (check at least one box)

a. ☒ Submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

b. ☐ Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

a. ☒ **DOCUMENTS IN THE ENGLISH LANGUAGE**

The attached patents, publications, or other information in the English language do not require a statement of relevancy.

b. ☐ **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

c. ☐ **ENGLISH LANGUAGE SEARCH REPORT**

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(A)(3).

d. ☐ **OTHER**

The following additional information is provided for the Examiner's consideration.

FEES

IV. ☒ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b): (check one box)

a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (This section is not to be used with RCE's and CPA's).

b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.

c. ☐ concurrently with the filing of a Continued Prosecution Application under 37 C.F.R. § 1.53(d) or concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

d. ☒ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required.
In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of $180.00 as required by 37 C.F.R. § 1.17(p).

V. ☐ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c): (check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

a. ☐ No statement; therefore, a fee in the amount of $180.00 as required by 37 C.F.R. § 1.17(p).

or

b. ☐ See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

a. ☐ each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

☐ A check in the amount of $180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.

☐ Please charge Deposit Account No. 02-2448 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. A triplicate copy of this paper is attached.

☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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2929-0155P

Enclosures:
- ☒ PTO-1449
- ☒ Documents
- ☐ Foreign Search Report
- ☐ Fee
- ☐ Other:

(Rev. 10/31/01

OIPE U.S. PATENT & TRADEMARK OFFICE NOV 06 2002

Form PTO-1449

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

ATTY DOCKET NO.	APPLICATION NO.
2929-0155P	10/090,223
APPLICANT: Alex LOBOVSKY et al.	
FILING DATE: March 4, 2002	GROUP: 1773

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	3,639,953	1972-02-08	KIMURA et al.			
	4,297,307	1981-10-27	TAYLOR			
	4,339,021	1982-07-13	KOSUDA et al.			
	4,504,454	1985-03-12	RIGGS			
	4,663,230	1987-05-05	TENNENT			
	4,741,829	1988-05-03	TAKEMURA et al.			
	4,847,063	1989-07-11	SMITH			
	5,149,517	1992-09-22	FAIN et al.			
	5,149,584	1992-09-22	BAKER et al.			
	5,156,831	1992-10-20	FAIN et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES	TRANSLATION NO

OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.

	Kiyoshi YASE et al., *Mat Res. Soc. Symp. Proc.*, Vol. 359, (1995), pp.81-86.
	Ray H. BAUGHMAN et al., *Science*, Vol. 284, (May 21, 1999), pp.1228 and 1340-1344.

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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INFORMATION DISCLOSURE CITATION IN AN APPLICATION

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	5,165,909	1992-11-24	TENNENT et al.			
	5,260,013	1993-11-09	SAMUELSON			
	5,298,298	1994-03-29	HOFFMAN			
	5,338,605	1994-08-16	NOLAND et al.			
	5,457,343	1995-10-10	AJAYAN et al.			
	5,556,704	1996-09-17	PREVORSEK et al.			
	5,578,543	1996-11-26	TENNENT et al.			
	5,643,670	1997-07-01	CHUNG			
	5,773,834	1998-06-30	YAMAMOTO et al.			
	5,780,157	1998-07-14	TUFFIAS et al.			

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FOREIGN PATENT DOCUMENTS

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(Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.

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	5,803,210	1998-09-08	KOHNO et al.			
	5,814,403	1998-09-29	ANDERSON et al.			
	5,871,838	1999-02-16	KLETT et al.			
	5,877,110	1999-03-02	SNYDER et al.			
	5,965,470	1999-10-12	BENING et al.			
	6,113,722	2000-09-05	HOFFMAN et al.			
	6,143,411	2000-11-07	FERGUSON			
	6,235,674 B1	2001-05-22	TENNENT et al.			
	6,265,466 B1	2001-07-24	GLATKOWSKI et al.			
	6,280,697 B1	2001-08-28	ZHOU et al.			

FOREIGN PATENT DOCUMENTS

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